

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re: Dailey Law Firm, PC,

Debtor.

Case No. 23-45970-mlo

Chapter 7

Hon: Maria L. Oxholm

**GOLDSTEIN BERSHAD & FRIED P.C.'S MOTION TO WITHDRAW  
AS COUNSEL FOR DEBTOR**

GOLDSTEIN BERSHAD & FRIED P.C., ("GB&F") makes this its Motion to Withdraw as Counsel for Debtor in this proceeding, and for its Motion, states as follows:

1. This is GB&F's Motion to Withdraw as Counsel for Debtor in this proceeding. A proposed Order granting the relief requested is attached hereto as Exhibit 1.

2. The Michigan Rules of Professional Conduct, Rule 1.16(b) provide in pertinent part as follows:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; [or]

(6) other good cause for withdrawal exists.

3. Debtor retained GB&F to represent him in this proceeding.

4. Due to a breakdown in the attorney-client relationship, GB&F is no longer able to represent the Debtor. Good cause exists in this case to allow GB&F to withdraw as counsel for Debtor. See 7A C.J.S. Attorney and Client, §221 (1997).

5. GB&F was informed by new counsel of an impending substitution of counsel.

However, as of the date of this filing that has not occurred. Furthermore, the Debtor

has ceased all communications with GB&F making it impossible to represent the Debtor.

**WHEREFORE**, GB&F moves this Court for entry of an Order allowing it to withdraw as counsel for Debtor, Dailey Law Firm, PC, and grant such other relief this Court deems just and appropriate.

Respectfully submitted,

GOLDSTEIN BERSHAD & FRIED P.C.

By: /s/ Scott M. Kwiatkowski

Scott M. Kwiatkowski P67871  
4000 Town Center, Suite 1200  
Southfield, MI 48075  
(248) 355-5300  
(248) 355-4644-Fax  
scott@bk-lawyer.net

Dated: September 28, 2023

UNITED STATES BANKRUPTCY COURT  
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**ORDER OF WITHDRAWAL OF GOLDSTEIN BERSHAD & FRIED P.C.  
AS ATTORNEYS OF RECORD FOR DEBTOR, DAILEY LAW FIRM, PC**

**THIS MATTER** came before the Court on the Motion of Goldstein Bershad & Fried P.C. to withdraw as counsel for Debtor. The Court finds, for the reasons stated in the Motion, that there has been a breakdown of the attorney-client relationship and that effective communication between the parties has ceased to be possible. Accordingly,

**IT IS ORDERED** that Goldstein Bershad & Fried P.C. is withdrawn as the attorneys of record for Debtor, Dailey Law Firm, PC.

**EXHIBIT 1**

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**NOTICE OF GOLDSTEIN BERSHAD & FRIED P.C.'S MOTION  
TO WITHDRAW AS COUNSEL FOR DEBTOR**

The undersigned has filed papers with the Court to allow Goldstein Bershad & Fried P.C. to withdraw as counsel for Debtor in this proceeding.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the Court to allow Goldstein Bershad & Fried P.C. to withdraw from representing the Debtor, or if you want the Court to consider your views on the motion, within 14 days, you or your attorney must:

1. File with the court a written response to the objection, explaining your position at:<sup>1</sup>

United States Bankruptcy Court  
211 West Fort Street, Suite 2100  
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must mail a copy to:

Scott M. Kwiatkowski, Esq.  
Goldstein Bershad & Fried P.C.  
4000 Town Center, Suite 1200  
Southfield, MI 48075

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

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<sup>1</sup> Response or answer must comply with F.R.Civ.P. 8(b),(c) and (e).

**If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

Respectfully submitted,

GOLDSTEIN BERSHAD & FRIED P.C.

By: /s/ Scott M. Kwiatkowski

Scott M. Kwiatkowski P67871

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Southfield, MI 48075

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2023, I electronically filed the following papers with the Clerk of the Court using the ECF system which will send notification of such filing to the following ECF Participants:

Documents Filed:	Goldstein Bershad & Fried P.C.'s Motion to Withdraw as Counsel for Debtor, proposed Order, Notice of Motion and this Certificate of Service
ECF Participants:	All parties listed by the Court for service via electronic mailing

And I hereby certify that I have mailed the documents by United States Postal Service to the following non-ECF participants:

Dailey Law Firm, PC  
Attn: Brian Dailey, Esq.  
63 Kercheval Ave., Ste. 215  
Grosse Pointe, MI 48236

Brian Dailey, Esq.  
77 Oxford Road  
Grosse Pointe, MI 48236

/s/ Jennifer L. Gamalski

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Scott M. Kwiatkowski P67871  
email: [scott@bk-lawyer.net](mailto:scott@bk-lawyer.net)

Dated: September 28, 2023